justice may be done to him by ascertainin with reference to Circar records that the tank is a 'Hath Laguvadu' tank and the petitioners enjoyment thereof.

13. The Conclusion arrived at by the Deputy Commissioner as alleged in the 10th, 11th and 12th paragraphs of this petition is opposed to law and damaging to the petitioner

14. The 'Chowthoyi' reduction was allowed on the lands under the tank in question on the ground that it belonged to 'Bavadi Dasavanda'. The petitioner knew this ve recently and submitted a review ~~a~~ petition to the Survey Superintende the 5th June 1892 enclosing the patta hich stood in the name of the petitioner aunt Lakshamamma. But unfortunatly it received no notice of the Survey Superintendent while passing orders.

15. The land held by the petitioner under the tank in question is assessed at Rs 17. The 'Chowthoyi' reduction prayed for is only a very small amount. On account of this small reduction the petitioner spent a large sum towards the repairs of the

in question -

16. Even now same concession is shewn by Government to those who construct tanks and sink wells at their own cost. Under such circumstances the petitioner who was allowed the reduction for a long time past, prays that the same may be conferred upon him.

17. In support of the above assertions, the petitioner has filed herewith 2 (Shaya) pattas the order no. 38 issued by the Survey Supdt. the review petition filed by the petitioner subsequent to the passing of the above order, together with the patta standing in the name of the petitioner's aunt for Vibhava, and the order passed thereon. The notice received from the Survey Department for getting the tank repaired, were filed with the record connected with this case.

For the foregoing reasons the petitioner humbly begs that, on a careful consideration of all the above facts, and with reference to the records concerned, the order no. 38 dated 13th April 1892 of the Survey Supdt. may be reversed and that the 'Chowthoy' reduction prayed for may be granted.

Chikballapur
8-7-92

COURT FEE
INDIA
2 Rs
TWO RUPEES

Two Rupee Stamp [illegible] 11/7

ನಂ 14

[illegible]

18 92 ನೇ ಇಸವಿ [illegible]

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ಪ್ಲೀಡರ್ [illegible] ಗೆ

ವಾದಿ [illegible] ಬರೆದು

ಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ ಅದಾಗಿ

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ತಾ॥ 2 ನೇ ಜುಲೈ
18 92 [illegible]

[illegible]

accepted
Ramaswami Iyer
ad. for appt
July 92

[illegible] ಆಗಿ ಕರಿಸಿರುತ್ತೇನೆ

[illegible] above name [illegible] of the Vakalatnama
[illegible]
9-7-92

ಮೇಲೆ ಕಂಡ ಮನುಷ್ಯ ನನ್ನ ಸಮಕ್ಷಮದಲ್ಲಿ ಈ ವಕಾಲತ್ ನಾಮೆಗೆ ತನ್ನ ರುಜು ಮಾಡಿರುತ್ತಾನೆಂತ ಇದರಿಂದ ಸರ್ಟಿಫೈ ಮಾಡುತ್ತೇನೆ.

29 Pet/214 (2)

LR 8392 - 2

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

From the Same No 5/10 of 22-9

The accompanying Petition No. 97 dated 8th July/92 received at the Dewan's Office from Sreenivasachar Pleader, Chikkaballapur Kolar Dist., appealing agains Survey Supdt's order refusing to grant ~~Chowthay~~ remiss of 4/5ths assessment of his land under his private tank. is forwarded, together with its five enclosures, to the Superintenden Revenue Survey, for sub-mission of Proceedings an a report on the facts of th case and on the points tak in the petition.

2. The petition should be re

By Order,

Draft
(Council order)
6/8/92

BANGALORE, 3rd Aug 1892

Chief Secretary.

Endst issue
13/8/92

Petn for orders [illegible]

LR 183-92-3

(General Serial No. 80.) 3294.

1892. Pet 155

From The Supdt Mysore Rev. Survey

(3)

To

The Chief Secretary to the Dewan
of Mysore.

Dated } Bangalore 22nd September 1892
Despatched }
Received

Enclosures No. with 1 Petition & its enclosures

General No. 510

No.

In reply to Pet 214 dated 10/13 August 1892

SUBJECT.

Has the honor to forward Office Memo, accompanied by Vernacular correspondence, giving particulars of the case of one Shrinivasachar, Pleader, Chik-Ballapur appealing against an order refusing to grant remission of 1/4 assessment of his lands. Petition and its enclosures are returned.

[illegible]
Supdt Mysore Rev Survey

References (to be entered only in the Dewan's Office).

To D.C. Kolar No 6664/P.F. 203-92 d/15/11/92 on the subject

To

The Dewan -

In forwarding herewith for a report the accompanying petn No. 97/1892 from Pleader Srinivasachar of Chickaballapur, and the Ver. papers as per krist received with docket No 510 dy 22nd Sept 92 from the Supt: Mysore Rev Survey, has the honor to request that the ~~other papers~~ appendices refd to in the Rev. Supt's Order No. 780 dy the 13th Apl 92 to the Bagepalli Amildar with these papers may be obtained & sent with other papers if these are not submitted completely at an early date.

BO 14/11/92

23/9/92

31

Office Memo

3/a

In re Petition No. 97 dated 8th July 1892 received under cover of Chief Secretary's Docket No. Pet/214 dated 10th August 1892, from Shrinivasachar, Pleader, Chikballapur appealing against the Survey Supdt's Order refusing to grant remission of 1/4 assessment of his lands under his Private tank.

* * *

D/ 2. 8. 89 The Petitioner represented to the Survey Superintendent that in Abrawarhalli, Bagepalli Taluk there is his own private tank; that the lands thereunder have been enjoyed by himself and his ancestors for the last 60, 70 years on payment of (light) assessment amounting to Rs 9 only; that these lands have however been assessed highly at the Survey Settlement and that the lands cannot pay this high assessment

That on his application for a remission of assessment under the Rules of Private tanks the Survey Suptt. observed that the tank in question was out of order and needed repair.

That he (the Petitioner) has subsequently spent about Rs. 1000 and got the Kunte repaired

That under the circumstances his claim may kindly be taken into consideration and remission granted him

Thereupon the Survey Suptt. called for particulars on the subject from the Amildar. No. 1584 of 8th Augt./89

The Amildar in reply states that he cannot exactly account for the omission of the tank from the Register of Private tanks; that it however appears that the party concerned failed to produce necess-
uthority for his tank being con-
rege
improve private tank; that what
the

the Petitioner now produces are (1) Shraya Patti dated Shravana Bahula 5th of Sarvajitu by the villagers and Shakdar and (2) another Shraya Patti dated Vijaya (1833), Jeshta Bahula 13th by one Amildar Ramappa; that the Shakdar of Chelur Hobli reports the tank to be a private tank constructed by the forefathers of the Petitioner and to have been lately repaired by the Petitioner at an outlay of about Rs 600 and to be in good order

No 1713 dated 28th Augt 1889.

The Survey Supdt in forwarding the above correspondence to the Deputy Commr Kolar asked the latter's opinion on the subject.

No 221 of 4-9-90

Upon this the Deputy Commr directed the Amildar to reply to the following queries viz: —

1 Is it a registered tank ?
2 Who permitted him to repair this tank ?
3 Amildar to inspect the tank.
4 If any Govt money was spent on it ?
5 Any order to claimant to construct the tank ?
6 Is it entered in the List ?

No 565 / 7-2-91

Amildar reports in replying to the following affect effect (seriatim) -

(1) The Tank bears Tank Registered No 273.

(2) No data forthcoming - excepting the Shraya. Pattis produced by the Petitioner. In 1885 the Petitioner applied for remission of assessment and the Survey Supdt observed that the tank was out of repair. Thereupon the Petitioner was given a Notice to have the tank repaired and was required (by the Amildar) to state within what time he would get the work completed. This notice was returned served on the Petitioner who had signed it with a remark to say that he would get the tank repaired within 3 months provided that his claim to remission is granted. This was forwarded to the Survey Supdt who observed that it was not within his power to issue order on the subject.

(3) The inspection of the tank as directed was made. About Rs 400 or 500 appear to have been spent and the work executed is in good order. Rs 300 or 400 more require to be spent for further work of improvement. The Petitioner has planted a Tope

and erected a Mantapam for public conveniance

(4) Nothing on record to show Govt money having been spent on this tank.

(5) No authority for constructing or repairing the tank (see (2) above).

(6) (No reply is given) —

(Note (1) perhaps may be taken as reply to this).

Thereupon further correspondence ensued between the Deputy Commr and the Amildar and ended with Assistant Commrs opinion as follows

No 180
17-2-92

The Tank was inspected by himself and was found to be in good order — Amildar's statement that the Petitioner has spent a certain sum of money is correct and the work is in good order. The tank being a private tank to all intents and purposes remission claimed may be granted

In

387

(4)

LR 183-92-4

To

The Dy Commr, Kolar Distt.

In forwarding herewith for a report the accompanying petition No. 97 d/ 8-7-92 from Pleader Srinivasa Char of Chickaballapur, & the very papers as per Terist received with docket No. 510 d/ 22-9-92 from the Supdt, Mysore Rev Survey, has the honor to request that the references ~~referred~~ alluded to in the Survey Supdt's order No. 780 d/ the 13th April/92 to the Bagepalli Amildar, together with any other papers there might be on the subject, may be obtained & submitted completely at an early date.

The Paper should be returned

By Order

Draft.

MRV 15/11/92

For Chief Secretary

WD

Why was not these sent?

29/11/92

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commr,
Kolar Distt.

Dated 15th
Despatched Novr 1892
Received

Enclosures N

General No. 6664
Pet-F. No. 203-92

Requesting ~~for~~ early submission of certain refces in connection with Petn No 97 d/8th July 92 from Pleader Srinivasachar of Chickaballapur.

References to be marked.

From the same No $\frac{1624}{368}$ d/ 26/4/92

Petn Br. Note
29/11/92

W.D. explain

Send V.P. now

Sir,
I was on leave when the docket in question was despatched.

4 ~~8~~

(General Serial No. 30.)

LR 1892 ~~3~~ 29 NOV. 92 – 8
53-50
Pet 267

DEWAN OF M

From The Deputy ~~Commissioner~~
Kolar District. (5)

To

The Chief Secretary to the Dewan
of Mysore.

Dated 26th November 1892.

Despatched 28th

Received

Enclosures No.

General No. 1624
No. 368

~~In reply to~~

SUBJECT.

His docket No: 6664/P.H.203 dated the 15th Instant, forwarding for report a petition from Pleader Sreenevasa Char of Chickballapur.

Has the honor to state, that the vernacular papers referred to in the above as having been received with the Survey Superintendents

References (to be entered only in the Dewan's Office).

29/11/92

41

-ent's docket No: 510 dated the 22nd September 1892, did not accompany the same and to request that they may be sent to this Office.

E Maxwell
Deputy Commissioner.

Issd

42

(6)

LR 183/92-6

To

The Deputy Commissioner,
Kolar Distt.

His docket No. $\frac{1624}{368}$ d/26th November 1892.

As requested in the above, has the honor to forward herewith the ver. papers as per Farist, received with docket No. 510 d/22.9.92 from the Superintendent Mysore Rev. Survey.

By Order

Draft. 1/12
For Chief Secy.

43.

(General Serial No. 80.)

189 Drawn

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commr,
Kolar Distt.

Dated 1st

Despatched 2 Decr 1892

Received

Enclosures No. 1 file.

General No. 417
Pet. F. No. 203-92

Forwarding certain vernacular papers received with No. 510 d/22.9.92 from the Supdt, Mysore Revenue Survey.

References to be marked.

44
Gen. Serial No. 31.]

1895

From
The Sub-Division Officer,
Chickballapur,

To
The Deputy Commissioner
Kolar District.

Dated 31st May
Despatched 5th June } 1895.
Received

Enclosures No. 1 Cau File.

General No. 428
No.

His No: $\frac{171}{1168}$ dated the 8th December 1892 in re petition from Pleader Sreenivasachar of Chickballapur.

Has the honor to forward Bagepally Amildar's report on the subject together with its enclosures, The petitioner claims $\frac{1}{4}$th remission on lands under the tank. He is not able to produce any record or proof of the tank having been built by him. There is no reference in the Taluk records to the tank except one paper in which it is mentioned as a Dasavanda tank but resumed by Government owing to failure to repair. This alone does not seem to justify the grant of the Concession claimed.

3 The undersigned regrets the long delay in the disposal of this reference. It was owing to the delay in the Taluk Cutchery.

(Signed) A Krishnasamiengar
Sub-division Officer
Chickballapur

"Copy"

For Deputy Commissioner
Kolar District

461

Gen. 31.]

(7)

1895

OFFICE OF THE DEWAN OF MYSORE
17438
17 JUN 1895
Pet 735

Rd 17-7-97

LR 183-92-7

From The Deputy Commissioner
Kolar District

To Revenue
The Secretary to the
Government ~~Dewan~~ of Mysore.

Camp Vemgal
Dated 13th June 1895
Despatched 16th Do.
Received
General No. 4859
No. 1498

Enclosure No. 1 + file

His docket No: $\frac{6664}{P.F.\ 203}$ dated 15th November 1892 forwarding for report Petition* No: 97 dated 8th July 1892 from Pleader Srinivasachar of Chickballapur and for the submission of the records connected with the claim put forth by the Petitioner for 1/4th remission of assessment of the lands under Marikunte of Abrakvarpalli, Bagepalli Taluk.

* Herewith returned with its enclosures

With reference to the above, has the honors to submit herewith copy of the Chikballapur Sub-Division Officer's docket No: 428 dated 31st May 1895 with its enclosures as per fairist thereto attached, from which it appears that the Petitioner failed to produce any record or proof in support of the Tank in question having been built by him. The Tank which was a Dasavandam one, seems to have been resumed to Government in Prajotpatti (1871-72) for the neglect of the owner to keep the work in good repair.

2. Under these circumstances, the undersigned considers that the Petitioner's claim for 1/4 th remission of assessment is not tenable.

Deputy Commissioner,
Kolar District.

48

8

Gen. 31.]

189

LR 183-92-8

From

To The Deputy Commr
Kolar District

Dated 25th February 1896

Despatched 27

Received

General No. 7718

P.F. No. 203-92

Enclosure No. one Vern file

Has the honour to observe that the vernacular file received with his docket no. $\frac{4859}{1498}$ dated 13th June 1895 does not contain the papers noted in the margin× and to request that they may be forwarded to this office as early as practicable.

2 The vernacular file above referred to with the petition presented to Govt. by petitioner Sreenivasachar is herewith forwarded for reference & resubmission.

By order

ABL 25/2

Secretary

Draft as per Asst. Secy's orders

25.2.96

×1 Petition presented to the Taluk by Petr. Sreenivasachar prior to October 1885, report submitted thereupon to the Survey Supdt. and the Survey Supdt.'s reply, referred to in the notice to Petr. dated 21-10-85.

2 Report to the Survey Supdt., and reply thereto, referred to in Endt. no. 64 dated 13-12-85 issued to Petr. by the Amildar

3 Petitions, reports, orders or Endorsements between 13-12-85 and 2-8-89 if any.

4 Papers, if any, showing whether any reduction of assessment was made on the ground of Bavadi Dasavanda as alleged by Petr. in para 14 of his Petn. to Govt. and in his Petn. of 5-6-92 to the Supdt. Rev. Survey

49 P.R.183-92

9

Gen. 31]

REVENUE DEPARTMENT
Gl. No. 1317
Sec. No. 114
17 AUG. 96
DEWAN'S OFFICE.

From The Dy Commissioner
Kolar District

To The Secretary to the
Government of Mysore
Revenue and General Department

LR 183-92-9

Dated 8th
Despatched 15th } August.—
Received

General No. 706
No. 167

Enclosure No. 2 files

Submitting certain papers relating to the claim of one Srinivasa Char of Chikballapur for remission of ¼th assessment.—

Rev Dept
17.8.96

17/8

Recd
19/8

Recd
20/8

Submitted with refces
20/8

5º/ Kolar Deputy Commissioner's office
Dated 8th August 1896.
Camp Bowringpet.

To.

The Secretary to the Government of Mysore
Revenue and General Departments.

Sir,

Adverting to your docket No. 7718/P.F. [illegible]92 dated 25th February 1896 requesting the submission of certain papers relating to the claim of one — Sreenivasachar of Chickballapur for remission of 1/4th assessment in respect of certain lands under Marikunte of Abravarpalli, Bagepalli Taluk, I have the honor in returning the enclosures received with the above to submit herewith as per accompanying Fairist all the additional papers available on the subject.

2. The Amildar's subsequent report No. 5 dated 5th Ultimo goes to show that Marikunte is not a Dasavandam tank but that below it there is a well constructed by the petitioner's ancestors.

3. The owner of the well was enjoying a Dasavandam Inam as per margin* till the year Projotpatti (1871-72) when it was resumed along with other Bavadi Dasavandam Inams under the orders of the Inam Commissioner under instructions from the Survey Commissioner. Mr. Krishniengar, the then Deputy Superintendent of the District, issued an order No. 70 dated 16th July 1872 to the Amildar of the late Gummanaikanapalya (now Bagepalli) Taluk directing that from the year Angirasa (1872-73) and until the Survey settlement the assessment on all Dasabandam Inam lands should be entered under the head "Kandayam" in the Taluk accounts and shown as remitted in favour of the Dasavandamdars.

* Village	Moje No	Extent.	Assessment.
		K-K-P	Rs-as-p
Murasapalli	Part of wet No. 172	0-7-2	2-7-1

4. This practice was observed till the Survey Settlement which took place in the year Parthiva (1885-86) and the full Survey valuation of the lands is since being recovered from all

the Dasavandamdars including the petitioner.

I have the honor to be
Sir,
Your most obedient Servant.

Deputy Commissioner
Kolar District.

SOK

53

Proceedings of the Govt of Mysore

Read:-

LR 183-92-LO

Correspondence ending with letter No $\frac{706}{167}$ dated 8th August 1896, from the Deputy Commr Kolar District, relating to the petition presented by Sreenivasachar, pleader, Chikballapur praying for remission of a fourth of the assessment of Rs 17 fixed on certain bagayat lands below Marikunte, Bagepalli ~~Bowringpett~~ Taluk

Bagepalli

(1061)

No $\frac{6165}{P.F. 203-92}$ 8.1.97. Order thereon

(records.)

The petitioner ~~claims~~ prays for the concession allowed to him on the ground that the Kunte and the wall under it irrigating the lands noted in the margin× were constructed by his grandfather ~~to~~ for the improvement of the lands, which are said to have been obtained on Shraya tenure, that till the Survey Settlement in 1885, a reduction of one-fourth of the Kandayam had been allowed under the head Bavadi Dasavandam, and that the Kunte had

	Garden	assmt.
× Survey No. 99 -	0-28 -	4-0-0
108 (part)	1-34	10-8-
181 -	0-20	2-12-
	3-2	17-4-

been repaired by him at a cost of nearly Rs 1300. [The — facts are:- The Kunte was not included in the list of private tanks and the lands were accordingly fully assessed. Upon enquiry with reference to the petitioner's complaint in 1885, the Kunte was found to be in need of repairs, and when questioned regarding this, the petitioner stated that he would get the repairs executed in 3 months, if an express promise was given in regard to the remission prayed for. The Supdt. Revenue Survey stated that it was not within his power to pass any order on the subject. The petitioner renewed his application in 1889, urged that he had executed repairs and produced two pattas purporting to have been issued in 1827-28 and 1833-34, the former by the Shekdar and Shanbhogs granting the Sangatapalli Dinne (where the lands were situated) with a well and a Kunte in ruins in view to improving the Dinne on Shraya tenure, and the latter by the Amildar granting Shraya Izare of the same Dinne for 3 years from Vijaya (1833-34) to Manmatha (1835-36). The Dy: Commissioner was of opinion that the claim was not based on proper authority and it was accordingly rejected by the Supdt Revenue Survey. The petitioner in his appeal refers to a patta issued in 1868-69 in the name of his aunt and urges that remission was allowed on account of "Bavadi Dasavandam". The Dy: Commr in submitting the papers called for states that the petitioner failed to produce any proof evidence in ~~in support~~ of the alleg~~ation that~~ construction of the tank ~~was built~~ by him, that a well was constructed by petitioner's ancestors below the tank, and Dasavandam Inam allowed for it till 1871-72, that the Inam was then resumed along with other Bavadi Dasavandam Inams under the orders of the Inam Commr., that till the Survey Settlement in 1885, the assessment on Dasavandam Inams was entered in the accounts under the head Kandayam and shown as remitted in favor of Dasavandamdars, and that since the Survey Settlement, the full Survey valuation is being recovered from all Bavadi Dasavandamdars.

2. There is no evidence that any remission supported by adequate authority was ever enjoyed. The Pattas, though alleged to have been issued by the Amildar and Shekdar; ~~[illegible]~~ are in themselves not binding documents, nor were they ~~not~~ produced when this enquiry was first started. There is a concensus of opinion of the Sub Dn Officer, the Deputy Commr and the Survey Supdt, that the petitioners

on the ground of the Kunte in question being a private enterprise land.

GOVERNMENT OF MYSORE

claim is untenable. When the matter was under enquiry, the petitioner seems to have spent some money in repairing the tank, without proper authority in the hope of obtaining the concession. Otherwise there was no reason, as remarked by the Dy Commr; for ~~this~~ Petitioner's offering to repair the tank, ~~only~~ if 1/4th remission were granted. The orders of 1863 regarding the concessions to be granted for private enterprise irrigation~~al~~ works ~~on private enterprise~~ do not apply to this case. On the whole there are not sufficient grounds to grant any remission to the petitioner. The Survey Supdt's order is correct and this appeal is rejected.

Redraft
C2

Secretary

Compd
Bbn 7/1

To the Dy Commr Kolar
Distt with the records

R 28/1/97

Noted
Md. 28-1-97

No: 97

[illegible]

[illegible] 2—11

[illegible]

[illegible]

[illegible]

[illegible]

~~[illegible]~~ [illegible]

P. 7. 203-92

G. R. S. IX-5]
Previous references.

1892-93

192 .

(L.R.)

Later references.

File No. 183

Serial Nos. 1-6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-11

M ~~Part~~ B for January 18 7.

SUBJECT.

Appeal of Srinivasachar, Pleader, Chickkaballap
for the grant of remission of the assessment of h
lands under his private tank —.

To,
10 The Deputy Commissioner, Kolar District.
No. 6165 D. 8.1.97. LR. 183-92-10
P.7. 203-92

Informs him that the order of the Survey Supdt.
is confirmed as there are no sufficient grounds
to grant any remission to the Petitioner. ——

Precis

I Petitioner Sreenivasachar submitted a petition to the Bagepalli Taluk Cutchery on the 13th of May 1885. He stated therein that the wet and dry lands standing in the name of his elder aunt Lakshumma in the village of Abravarpalli, Chelur Hobli, were being enjoyed by his ancestors for a long time as Jodi Inam, that they were attached and that in Khara, Nandana and other years, they were given out for cultivation on light assessment. Whilst the lands continued Inam, his ancestors constructed at their own cost in these lands a well and a Kunte named Muvvrikuntay, that These have been repaired since, that At the Survey these lands were assessed at Rs 70 & that he would produce the necessary records in proof of the lands being Jodi within 8 or 10 days. In the meanwhile he requested the Taluk authorities to peruse the records in the Taluk and as the rates of assessment on his lands

2

are excessive and as the lands have been subject to his Huk from time immemorial, to recommend a remission of a fourth of the existing assessment.

Note - There is an Endorsement in Canarese at the top of the petition that an Urzee having been submitted in the matter to the Deputy Supdt. orders should be awaited and carried out on their receipt.

II Pleader Sreenivasachar of Chikballapur submitted a petition to Bagapully Taluk Cutcherry dated 31st May 1885. He submitted the following with reference to his petition of 16th May 1885 to the Taluk, representing that the Batta land of his elder aunt Lakshmma in the village of Abravarhally

Chelur Hobli (Patya Cheruvu Sunnut) Bagepalli Taluk - had been excessively assessed at the Survey & ~~[illegible]~~ the Grant of it ~~[illegible]~~ at ~~with~~ a reduction

II Contd "The Santhatapally ~~[illegible]~~ Druva ~~[illegible]~~ for which he had the Kandayam ~~was~~ had been depopulated & without cultivation, ~~that~~ it was given ~~to~~ as such a condition to his grandfather Ananthapully Sreenivasaloo on Shraya ~~[illegible]~~ it was brought under cultivation ~~[illegible]~~. As long as the practice existed in the Province of levying Kandayam after the Grant of a Shraya Putta ~~3~~ three pagodas were assessed per annum. The practice having subsequently ceased a putta was given permanently for the ~~[illegible]~~ old Kandayam of three pagodas. Both Inkdaree lands of his ~~[illegible]~~ assessed at Rs-a- ~~[illegible]~~

rate for Rs 70 & upwards - They had sunk two wells in them at ~~an expense~~ of a cost of [illegible] more than Rs 100. They had constructed a Kunta also & were enjoyment of the lands ~~without any [illegible]~~ paying the Kandayam without failure

II Contd
3. " The present assessment was very excessive - There were no Ryots - Cultivation was difficult & it was difficult to recover an amount equal to the old Kandayam.

Contd
4. He was in possession of ample records in proof of their right. Of these he produced a Shraya Patta dated ~~[illegible]~~ Punchami of Shravana Shoodha of Survajith and a Shraya Patta of Thathige 4 Jaista 13 of the Vijia year

Contd
5. He requested that After perusal of them a ~~[illegible]~~ recommendation should be ~~made~~ sent up regarding his rights;

that 5) one half of the Kandayam at present leviable on his lands viz wet & dry lands should be remitted, & that the remaining half should be confirmed After reference the Shrayee pattas should be ordered to be returned"

IV [illegible] A notice in duplicate was issued by the Bagepally Taluk Cutchery on 21-10-1885 to pleader Palyakere Sreenevasachar at Chickaballapur & the Chickaballapur Amildar was ~~[illegible]~~ requested to deliver the copy to him & to return the original with ~~[illegible]~~ his reply & signature. The notices were served & returned on 3-11-85. The Bagepally Amildar ordered the served notice to be filed with the order recd. from the Survey Supdt on the subject & brought up.

IV Contd The notice dated 21-10-85 stated that in the matter of his petition to the Taluk

The Bagepalli Amildar submitted to Col. Grant the Revenue Survey Superintendent a report dated 4th September 1885 enclosing Sreenevasachar's petition No 240 & its two enclosures to the Taluk stating that the Kuntay of Abravarpally mentioned in the petition not having been included in the Taluk Register of tanks constructed at private expense it had not been possible to enter it in the register submitted to him (the Survey Supdt) & if he was now favored with orders he would supply the omission in the register. The Survey Supdt ordered on 8-9-85 that there was no objection to the entry on his responsibility provided that it had been constructed at private & as per orders the Survey Supdt had been reported to, & that the bund of the Kunta at Abravarpalli Cheluv kobbi mentioned by him was in a very dilapidated condition & ~~[illegible]~~ asked him ~~to~~ to endorse on the back of the notice as to within how many days he would complete the earth ~~[illegible]~~ stone work &c required for the Kunta. Pleader Sreenevasal has endorsed on the back in reply that if the Govt promised the remission asked for in his ~~to~~ petition he would complete the repairs of the tank (Kunta) within three months from the time that he was distinctly informed of the same

~~Extract from the Diary of Orders issued by the District for 1871-72 to the Bagepalli Taluk~~

V ~~Cd~~ The Amildar submitted a reply report to the Survey Superintendent dated 29th November 1865 that the Kunta noted therein was in need of repairs in the shape of earth work &c & that unless they were executed it could not be said to be in a good condition & that he submitted for his perusal Sreenevasalu's reply underneath ~~the notice~~ engaging to complete the repairs of the said tank Kunta within three months from the date of his being distinctly informed of the promise of Government to him to grant a fourth remission. The Survey Superintendent replied that he had not sufficient powers to give orders on the subject. The Amildar ordered ~~an~~ to the petitioner ~~endorsement~~ to be given and afterwards the correspondence to be filed.

G. (31)

7/

VI. On 2.8.89 the petitioner submitted a petition to the Survey Commissioner [illegible], stating he owns a private kunte that the land beneath was being held by him & his ancestors on light assessment & ~~that~~ at the Survey assessment the land has been ~~[illegible]~~ by garden assessed & requesting that a fourth of the assessment might be remitted as in the case of other private kuntes. The petition was sent to the Taluk for report ~~kunte~~ with the observation that the ~~[illegible]~~ referred to in the ~~kunte~~ petition was not included in the list of ~~the~~ private kuntes.

VII The Amildar reported that it appeared that the omission to include the kunte in the list of private kuntes was due to the failure of the petitioner to produce the necessary ~~[illegible]~~ documentary evidence & that he has subsequently produced two Shrayapatras granted to his ancestors in 1833 & 1851

The Amildar added that the petitioner had subsequently spent large sums about Rs 600 for the repairs of the tank. The Survey Supdt referred the correspondence to the Depy Commr & asked for his opinion.

~~The Depy~~

The Depy Commr directed the amildar to report whether the tank was included in the list of private tanks, if not why not — whether it was true that the petitioner had effected the repairs he ~~[illegible]~~ alleged to have done & if so to what extent & whether Government had ~~effected~~ undergone any cost — The amildar was asked to report after personal inspection of the tank —

The amildar submitted a report. He stated that no refs were forthcoming to show that the tank had been constructed as per orders — that the petitioner produced no proofs beyond two [illegible] & that he had ~~[illegible]~~ incurred

(47)

— would come forward to claim similar concession & that, ~~the~~ under the circumstances the Petitioner did not appear entitled to the remission asked for –

Thereupon the Survey Supdt ordered the whole correspondence [illegible]

14-4-92

The Survey Supdt wrote to Petitioner in August 1892 an endorsement informing him that the Deptl Commr was not ~~[illegible]~~ of opinion that petitioner was entitled to ~~[illegible]~~ the fourth remission & another in June 1892 ~~the~~ that no orders could be passed inconsistently with the one already given

※ The Petitioner then appealed to Government – vide his petition of the 11th July 1892 – Thereupon orders were passed by the then Councillor Col. Churchill to ~~Col~~ to call for a report & proceedings

The Depy Commr in referring the case to the Sub Division Officer asked that officer for a full report with records. The Sub Division Officer directed the Amildar to report with original records in which any mention of ~~tank~~ the tank in question was made that it was a private tank & to report when the ~~tank~~ register of private tanks was prepared & on what records & whether there were other similar tanks requiring orders.

The Amildar reported that the ~~tank~~ register of private tanks had been prepared as per orders which had been recd. from the Depy Commr from time to time & that there had been recd no such orders in the case of the petitioner's tank & therefore it did not appear in the list. He further reported that from acct No 1 prepared [illegible] it appeared that the tank in question was originally a Dasavanda inam tank which was resumed to

Government & that there were three tenths in all which [illegible] is legal - similar to the tank in question

The Inamdar was also asked to send up original records ~~to~~ which would shew that the tank in question was a private one

The Inamdar replied that the accounts ~~asked for~~ ~~ancient~~ called for had been destroyed but there was a document in a certain court register that the tank in question was a dasavanda tank & had been so recognised by court - he submitted certain copies of extracts from the court registers of those years shewing the revenue kists of the tank in question

12-4-95

The Sub-division Officer Chickaballapur Subdivision submitted the ~~[illegible]~~ above report with reference to the Depy Commr's reference of 8th December 1892 and expressed his views that the petitioner ~~[illegible]~~ had not been able to produce any record or proof of the tank having been built by him ; & that therefore there was no good reason to grant the concession claimed by the petitioner to a reduction of 1/4 of the assessment of the land below the tank.

In submitting the above the Deputy Commr. expressed the same opinion viz that the petitioner's claim was not tenable.

A second reference was made from here to the Depy Commr on 25.2.96 requesting him to send certain papers wanting in the Vernacular file received from him & also any papers shewing whether any reduction of assessment was made on the ground of Bavadi Dasavandam as alleged by petitioner.

In sending all the available papers on the subject the Depy Commr submits that the Amildar's subsequent report goes to shew that Sreeramkunte is not a Dasavandam tank but that the petitioner was enjoying an inam under a well constructed by his ancestors which inam was converted into Keredegum land at the Survey Settlement.

Precis of Vernacular and English Records ~~Precis~~ on the subject of remission of a fourth assessment under a private tank claimed by one Sreenivasa Iyer of Chickballapur.

15/9/96

Memo

Petitioner Sreenivasachar of Chickaballapur claims a fourth remission of the assessment of his lands beneath his private tank by name Murse Kunta in the Bagepalli Taluk.

The chief ground put forward by him for the remission is that the tank was constructed by his ancestors long ago with the permission of the then authorities. He has produced two Shraya Pattas one purporting to be granted in Sarvajit, one before last, & the other in the following Vijia. Sarvajit & Vijia correspond to the English years 1827 & 1833.

Assuming, for argument's sake, the genuineness of the Pattas, it is difficult to see how the petitioner makes out of them a case for a fourth remission. There is no mention of any reduction of assessment in them.

But the Village accounts of subsequent years shew that a reduction of assessment of the site of a well irrigating the lands in the possession of the petitioner's ancestors used to be allowed in their favor. The well was sunk by them at their own expense below the tank. The reduction was disallowed at the Survey Settlement as in the case of other similar Bavadi Dasavandums. This therefore can have nothing to do with the remission claimed.

That the petitioner has

executed large repairs at a heavy outlay to the tank named Murreekunta has been ascertained to be true, but the question is whether Government permission was previously obtained by the petitioner to these repairs. The provisions of the late Chief Commissioners Notifications of 1863 & 1872 absolutely insist upon this condition of previous permission being fulfilled before any claim for a remission is entertained. That the petitioner failed to comply with this preliminary requirement is not open to doubt. In fact it was on the ground that no previous permission of Government was obtained to the execution of repairs that the petitioner's claim was thrown out as untenable by the Deputy Commissioner & the Survey Superintendent.

But the genuineness of the Pattas themselves is open to question. They were produced about more than half a century after their dates of issue, for the first time apparently at or after the Survey Settlement. The petitioner might have very usefully brought them to the notice of Government in 1863 or 1871. The Pattas themselves purport to be granted by an Amildar & a Sheikdar but neither is a competent authority as contemplated by the Notifications above quoted.

Submitted with Precis for orders.

BR.
15/9/96

Reject the right claimed. There is no evidence that any remission supported by adequate authority

3/9

[illegible] of remission of fourth assessment under a private tank claimed by Sri Srinivasachar of Chickaballapur

15/9/96 The Pattas ~~was granted~~ even supposed which are alleged to have been issued by Amildars & Shekdars and are in themselves not binding documents were not produced when this enquiry was first started. There is a concurrence of opinion of ~~the~~ the Sub Dn Offr & the Survey Supdt. that the Petr's claim is untenable. The order of 1863 regarding the concessions to be granted for original works on private enterprise do [illegible] and applies where there [illegible] And the [illegible] are not sufficient grounds to ~~concede~~ grant

ix. When the matter was under enquiry the Petr seems to have spent some money in repairing the tank without proper authority with the hope of obtaining concession. Otherwise there is no occasion as remarked by the Dy Commr for his offer to relinquish the land only if ¼th remission was granted.

18

[illegible] any remission to the Petr's. The Sr [illegible] order is correct & this appeal rejected

UCB
20/9/96

LR 183-92-1 (1)

(General Serial No. 82.)

1892.

No. 97

Name of Petitioner. Sreenivasachar Pleader

Village. Chikballapur

Taluk. Do

District. Kolar

Date of Arzi. 8th July

Date of Receipt. 11th July

Date of Disposal

No. of Enclosures. 5

ABSTRACT.

The Petitioner appeals against the Survey Super-intendent's order No. 38 date 16th April 1892 refusing to grant "Chouthayi" remission of assessment of the lands under his ow private tank, and pray that the same may be granted.

The Petition appears to be unnecessarily prolix & argumentative.

It will be returned to the Petnr under Rule II Cl. (7) of the adol. Rules submitted to the Council for orders.

16/7/92

COURT FEE
INDIA
[illegible]
9-7-92
[illegible]
TWO RUPEES

9/10

Two Rs Stamp
Mum 11/7

MYSORE [illegible] OFFICE
[illegible] DEPARTMENT
RECEIVED 97R
DATE 11-7-92

Petition for
Mum 11/7

A.S. No 6
92-93

Call for a report
10/7/92

In the Court of the ~~Councillors to ...~~ Highness the Maha Raja of Mysore

The undersigned ~~Sreenivasachar~~, 1st Grade Pleader, begs to prefer an appeal against the order No. 38 dated 13th April 1892, of the Survey Superintendent to this Honorable Court.

1. The Survey Superintendent simply ~~concurs~~ with the opinion of the Deputy Commissioner without considering the petitioners claims and circumstances.

The waste land called Sankatalapally Dinnay in which the tank in question is constructed together with another waste land was given to the petitioner's grand father for Sraya about more than 60 years ago on condition that he must improve it. Accordingly he improved the land by constructing a tank and [illegible] sinking a well on dry land in the bed of the old and breached tank Called Mari-Cuntay knowing that his labour towards the repair of this Marikuntay would be useless and impossible.

3. Afterwards the lands cultivated by the aid of the said well and tank were assessed at the rate of Rs 2½ per acre under the head of the wet land.

4. Under the rules then in force if the Tari produce was grown on the dry lands the kandayam of dry lands was not being collected, nor was there any practice of allowing a reduction of a fourth share of kandayam (Chowthayi) if the whole land under a Hath Laguvadi tank is taken up by one for kandayam. Hence on representation that the rate adopted in fixing the kandayam on the said lands was high, the Government allowed a reduction of one-fourth share of kandayam on account of 'Baradi Dasavanda' and the rest collected every year.

5. During the settlement, the Survey Officers assessed the land at Rs $5\frac{1}{2}$ and $5\frac{3}{4}$ per acre and ordered that the full assessment should be Collected.

6. This is a 'Chowlu' land and does not yield a good Crop.

7. At the time of Survey settlement the petitioner presented a petition to the Survey Superintendent that this was a 'Hatta Laguvadi' tank and as such he was entitled to a reduction of a fourth share (Chowthayi) of Kandayam; thereon the Survey Superintendent was pleased to pass an order to the effect that the tank was then in a Condition of out of repair and that no favorable order Could be passed prior to its being put into good order.

8. Subsequent to that the petitioner laid out to the extent of about Rs 1000 towards its repairs in addition to the repairs executed by his father and grand father and petitioned the Survey Superintendent soliciting for a reduction.

9 After this the Amildar Came and inspected the tank under the orders of the

Survey Superintendent and the Deputy Commissioner and directed the petitioner to execute some additional repairs. The petitioner therefore spent again a sum of Rs 250 or 300 on that account. Then the Amildar recommended for a 'Chowthoyi' reduction. Thereupon the Deputy Commissioner sent up all the records concerned to the Sub-Divisional officer of Chikballapur for local inspection. He inspected the tank and was of opinion that the tank was a 'Hath Laguvadi' tank and that a reduction of 'Chowthoyi' might be allowed. He wrote the same fact to the Deputy Commissioner.

10. Notwithstanding all this the Deputy Commissioner was not pleased to allow any reduction whatever on the ground that neither the order obtained for the construction of the tank nor the order given for the execution of its repairs was produced. The petitioner filed 2 Pattas granted to his ancestors at the time they obtained the waste land for "tank". The tank being a 'Hath Laguvadi' tank there

26 3 97 10/3

there was no reason to issue an order for its repairs. As the original order &c received in the matter were destroyed when the petitioner's house, in which they were preserved was consumed by fire, and as the petitioner was not aware of the dates on which they were issued, the petitioner could not produce them. This fact is clear from the records connected with the matter. From the fact that the original order is lost the petitioner's claims should not be overlooked. That the tank is a 'Hath Laguvadu' tank has been abundantly proved.

11. During the year 1885 when the petitioner was called upon to execute repairs for the tank he wrote a 'shara' on the notice to the effect that he would get it repaired within a short time if an order is passed for the 'Chowthoyi' reduction. The Deputy Commissioner was of opinion that this was a mistake on the part of the petitioner. The said notice was issued on the petitioners own application pray[illegible]

the reduction - His meaning of the 'shara' was only to get the work finished within a few months from the date of the order but not at all meant to set up any claim to which he was not previously entitled -

12 Although there is an admission on the part of the Deputy Commissioner that the tank in question is a 'Hath Laguvadi' tank yet he remonstrates to allow the reduction to the petitioner on the ground that others, who hold tanks of this kind, would also claim for such reduction. Supposing that there may be any applications of this kind by any body, why should not they be considered favorably if he is really entitled to it. If the fact that the petitioner failed to produce the original order alone disentitles him to the relief asked for, there will be a question as to how the persons, who have also failed to produce such orders, are allowed 'Chowthoyi' reduction. Under these reasons the petitioner prays that subs[illegible] [illegible]

been based on proper authority, need not have inserted the fresh stipulation in his statement or application above referred to.*

If on the score of the Petitioner's having undertaken the private enterprize alone his claim to the remission of assessment were to be admitted, it would be a precedent for several other ryots who get tanks repaired at their own expense without obtaining the permission of Government, to put forward similar claims. It appears therefore not advisable to grant remissions in such cases.

* * *

No 38
12-4-92

On the above the Superintendent of Survey rejected claim.

* * *

Suptt Mysore Rev
Survey

36

No 19
1-4-92

In forwarding the whole of the Correspondence to the Survey Supdt the Deputy Commr Kolar states as follows.

There is nothing on records to show that permission was given by Govt to undertake the repair of the tank at the Petitioner's private expense or that originally there had been a stipulation of 1/4 remission of assessment being granted in Petitioner's favour. Moreover the Survey Supdt himself passed an order (No 3434 of 2nd Decr/85) on the Petitioner's statement that he would undertake the repair, if 1/4 remission of assessment be promised to him, to the effect that no such power ~~as~~ to grant the Petitioner's application rests with him (the Survey Supdt). The Petitioner, should his claim to 1/4 remission of assessment

have